

Appl. No. 10/721,719

### AMENDMENTS TO DRAWINGS

The attached sheets of drawings 1 through 4 are replacements to the as-filed set of drawings. The as-filed set of drawings was informal and includes, among other things, handwritten text. No new matter is being introduced herein.

Attachment: Replacement Sheets 1 through 4

**Remarks / Arguments**

Claims 1-24 are pending. Claims 1, 2, 7-18, and 22-24 stand rejected. Claims 3-6 and 19-21 are objected to. Claim 1 is amended herein.

Replacement sheets of drawings 1 through 4 are submitted herein to formalize the drawing set. No new matter is being entered in submitting replacement drawing sheets 1 through 4.

Claims 1, and claims 7 and 9-13 which depend therefrom, are rejected as allegedly being anticipated under 35 USC § 102(b) by U. S. Pat. No. 5,356,478 ("Chen et al."). Claim 1 was amended herein to move the elements "substance comprises a dielectric constant greater than the dielectric constant of silicon dioxide" from the preamble to the body of the claim because according to the Examiner "limitations in the preamble are given little patentable weight." Contrary to the Examiner's assertion that all elements of claim 1 is disclosed in Chen et al., the elements "substance comprises a dielectric constant greater than the dielectric constant of silicon dioxide" in claim 1 is not. Instead, Chen et al. describes substances to be removed that are comprised of the residuum of etching of an aluminum alloy film such as Al-Si-Cu, Al-Si, or Al-Cu and a barrier material such as TiW, MoSi, WSi, Ti, TiN or  $\alpha$ -Si (see Chen et al. at col. 2, lines 8-19). These substances are metals -not dielectric materials- and as such do not have a dielectric constant greater than the dielectric constant of silicon dioxide. The §102(b) rejections are unsupported by the Chen et al. reference and should be withdrawn.

Claims 1, and claims 2, 7-10, and 14-17 which depend therefrom, and claims 18, and claims 22-23 which depend therefrom, and claim 24 are rejected as allegedly being anticipated under 35 USC § 102(e) by published patent application 2004/0011380 ("Ji et al."). Enclosed herewith is a Declaration under 37 C.F.R. § 1.132 that establishes that any invention disclosed but not claimed in the Ji et al. reference was derived from the inventors of the present application. Applicants respectfully request the removal of the 35 USC § 102(e) rejections of these claims because the present application and the Ji et al. application are not "by another".

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### SUMMARY

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned Attorney at the telephone number listed below.

Respectfully submitted,



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attachments: Declaration under 37 C.F.R. § 1.132  
Replacement Drawing Sheets 1 through 4